

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE STATE OF MARYLAND

RDB-04-1433

RANDY A. WEAVER, E

ALL INMATES CURRENTLY

HOUSED IN FREDERICK COUNTY

DETENTION CNTR.,

JUN-03-2008

CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

PLAINTIFF(S),

CLASS ACTION

-VS-

MOTION TO PROCEED

IN CIVIL ACTION AS A

STATE OF MARYLAND,

PROTECTED GROUP, CLAIMING

FREDERICK COUNTY,

VIOLATIONS OF FIFTH &

SHERIFF CHARLES A.

SIXTH AMENDMENTS TO

JENKINS, et al,

U.S. CONSTITUTION

RESPONDANT(S).

COMES NOW, PLAINTIFF RANDY A. WEAVER,
PRO SE ON BEHALF OF ALL INMATES AT THE FREDERICK
COUNTY DETENTION CENTER, does hereby move this
HONORABLE COURT for AN ORDER, ALLOWING the above-
mentioned PLAINTIFF(S) TO COMMENCE a CLASS-ACTION
CIVIL SUIT AGAINST THE ABOVE-NAMED RESPONDANT(S).

IN SUPPORT THEREOF, the PLAINTIFFS WOULD
PROFFER to this COURT as follows:

1. FIFTH AMENDMENT STATES:

"NO PERSON SHALL BE HELD TO ANSWER FOR ANY CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL

~~ANY PERSON BE SUBJECT FOR THE SAME OFFENCE TO BE TWICE PUT~~ IN JEOPARDY OF LIFE, OR LIMB, NOR SHALL BE COMPELLED IN ANY CRIMINAL CASE TO BE A WITNESS AGAINST HIMSELF, "NOR BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW," NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE, WITHOUT JUST COMPENSATION", AND,

(1A). ABOVE-NAMED PLAINTIFF(S) STATE THAT THE RESPONDANT(S) HAVE ENGAGED IN A PRACTICE THAT DENIES OR ELIMINATES THE PLAINTIFFS RIGHT TO A PRELIMINARY HEARING. MOST TIMES, PLAINTIFF(S) MAY BE SCHEDULED FOR A PRELIMINARY HEARING, ONLY TO BE INFORMED THAT A STATE WITNESS CAN'T MAKE IT. THE HEARING IS RE-SCHEDULED, AND THEN A FEW DAYS OR WEEKS LATER, PLAINTIFF IS INFORMED THAT PRELIMINARY HEARING HAS BEEN CANCELLED, AND PLAINTIFF'S CASE IS THEN MOVED TO THE HIGHER COURT (CIRCUIT COURT), AND,

(1B). PLAINTIFF(S) ALLEDGE THAT THIS ACTION IS THE EQUIVALENT / SAME AS DENYING THE PLAINTIFFS THEIR CONSTITUTIONAL RIGHT TO DUE PROCESS, AND IS A WAIVER

of PLAINTIFFS RIGHT to CONFRONT his ACCUSERS at a very VITAL Stage IN the JUDICIAL System. By eliminating this fundamental RIGHT from PLAINTIFFS, the STATE AND other Respondants are depriving the PLAINTIFFS OF Life and LIBERTY by holding PLAINTIFFS IN detention CENTER much longer than had the PLAINTIFF prevailed at the preliminary hearing, or at least been giving the CHANCE for LIBERTY at a preliminary hearing, AND,

(1C) THE PRACTICE of denying PLAINTIFF(S) their RIGHTS to due process is AN all too often occurrence IN FREDERICK COUNTY. THE Education levels of some of the PLAINTIFF(S) IS below the AVERAGE, AND therefore, most of these PLAINTIFF(S) just Allow these violation(S) to occur to themselves without ANY understanding that these Acts by the Respondant(S) IS ILLEGAL. AND, unfortunately, the ATTORNEYS that represent some of the PLAINTIFF(S) are NOT trying to Ruffle ANY feathers IN the STATE ATTORNEY'S OFFICE, AND,

2. SIXTH AMENDMENT STATES:

IN ALL CRIMINAL PROSECUTIONS, the ACCUSED shall enjoy the RIGHT TO a speedy TRIAL AND a PUBLIC TRIAL, by AN IMPARTIAL JURY of the STATE and DISTRICT where IN the CRIME shall have been COMMITTED, WHICH DISTRICT

shall have been previously ASCERTAINED by LAW, and to be informed of the NATURE AND CAUSE of the accusation; to be CONFRONTED with the witnesses AGAINST him; to have COMPULSORY PROCESS for obtaining witnesses IN HIS FAVOR, and have the ASSISTANCE of Counsel for his defense, AND,

(2A). Here the PLAINTIFF(S) Re-instate their claims, and state that the Respondant's ILLEGAL WAIVER of the PLAINTIFF(S) RIGHT to a preliminary hearing, IS a clear violation of PLAINTIFF(S) RIGHT to confront his/her Accuser at A VITAL stage of the JUDICIAL process, which this COURT IS AWARE, could lead to the PLAINTIFFS release from detention center, and in ALOT of CASES, the dismissal of CRIMINAL CHARGE(S).

WHEREFORE, the PLAINTIFF(S) respectfully move this COURT for AN ORDER granting them the RIGHT to proceed as A CLASS/group PLAINTIFF(S) would. Further move this honorable COURT for A TEMPORARY INJUNCTIVE ORDER REQUIRING that all PLAINTIFF(S) be given a preliminary hearing, and that the Respondants be required to provide this COURT with documentation to show that PLAINTIFF(S) currently AT detention center have EITHER be given their preliminary hearing(S), or have

Signed a waiver form that is legible
and understandable by all plaintiffs, no matter
what their educational level is.

Dated this 30th day of
MAY, 2008.

Respectfully Submitted,
Randy A. Weaver

RANDY A. WEAVER PRO SE
PLAINTIFF(S)

7300 MARCIE CHOICE LN.
FREDERICK, MD. 21704

"
CERTIFICATE OF SERVICE
"

PLAINTIFF(S) STATE THAT ON MAY 30TH, 2008, A TRUE
AND CORRECT COPY OF PLAINTIFF(S) MOTION TO PROCEED
AS CLASS/GROUP IN CIVIL ACTION WAS SERVED ON
THE RESPONDENT VIA U.S. MAIL, by depositing
the same in U.S. MAIL, POSTAGE PRE-PAID AND
ADDRESSED AS FOLLOWS:

ATTORNEY GENERAL OFFICE:	CHARLES A. JENKINS
200 SAINT PAUL PLACE	SHERIFF-FREDERICK COUNTY
BALTIMORE, MD. 21202	110 AIRPORT DR - EAST
	FREDERICK, MD. 21701